IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 14.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Petition No.19082 of 1996
& WPMP No.83 of 1998

S.Sathia Chandran .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Transport Department,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
Pallavan Transport Corporation,
"Pallavan House"
Anna Salai.
Chennai-600 002.

3.The Managing Director,
Dr. Ambedkhar Transport Corporation,
Ayanavaram,
Chennai-600 023.

4.The Corporation of Chennai,
Chennai-600 003. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus as stated therein.

For Petitioner : Mr.Sathiachandran
For 1st Respondent : Mrs.D.Geetha,
Addl. Government Pleader

For respondents 2 & 3 : Mr.R.Muniratnam

For 4th respondent : Mr.Bharathidasan

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ORDER

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

` Mr.S.Sathiachandran, practising advocate of this Court has file this Public Interest Litigation, seeking to issue a Writ of Mandamu for the following reliefs.

a) directing the respondents herein to restore the normal fleet of the second and third respondent Corporations and other Transport Corporations in the State within such period as this court may direct;
b) directing the respondents herein to periodically review and increase the fleet in proportion to the population;
c) directing the respondents to periodically maintain and operate the fleet strictly in accordance with the Motor Vehicles Act, 1988 and the Tamil Nadu Motor Vehicles Rules, 1989;

d) directing the respondents herein not to collect unfair fares not authorised under the Tamil Nadu Motor Vehicles Rules, 1989 under the guise of LSS, LSS fare and PP services;
e) directing the fourth respondent to regularly lay, relay and maintain the roads under its jurisdiction and control;
f) award costs;
and
g) pass such further or other order or orders as this court may deem fit and proper in the circumstances of the case and thus render justice.

2. Even at the outset, the petitioner fairly admits that he i pressing only in respect of the reliefs prayed in "b and d". In vie of the same, let us consider whether the petitioner has made out case for issuance of writ of mandamus/any other direction in respec of those two reliefs.

3. The relief claimed in "b" reads as under.

b) directing the respondents herein to periodically review and increase the fleet in proportion to the population;

4. According to the petitioner, the present existing flee strength are not sufficient to cope up with the persons using th Transport Corporations buses. According to him, due to less number o buses, the commuters are compelled to travel by the auto rickshaw paying exorbitant fares through their noses. He has also state that about 20% of the fleet are constantly under repair ar unworkable condition.

5. As against the said claim, on behalf of respondents 2 and 3

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the Assistant Manager (Legal) Metropolitan Transport Corporatio (Chennai) Ltd., Chennai, has filed a counter affidavit. Th informations furnished in the counter affidavit show that the preser Transport Corporation is operating 2500 buses everyday in and arou the city of Chennai and nearly 36 lakhs of people are travelling i these buses. The Corporation is operating buses as Ordinary Service Express Services, Limited Stop Services, etc and has been serving t the people of all walks of life and also people coming to Chenna from various parts of the country. It is also stated that inspite o escalation of various cost of the spare parts and diesel prices hike the Corporation has not increased the bus fair for the past five year and maintaining all the fleets properly. There is no scarcity of spar parts as alleged by the petitioner and the respondent Corporation i taking effective steps to prevent excessive speed driving by th driver. The Corporation is fulfilling the legitimate expectations o the public by providing them regular bus services and are operatin scheduled time for their travel so as to reach any destination i time. It is to be noted that the petitioner has filed this Publi Interest Litigation in December, 1996. Considering the increase number of buses and other categorical statements regarding prope maintenance etc., we are of the view that no specific direction i required. However, it is made clear that if there is a demand, it i but proper on the part of the respondents to increase the flee strength.

6. The second relief sought for by the petitioner reads as under.

> d) directing the respondents herein not to collect unfair fares not authorised under the Tamil Nadu Motor Vehicles Rules, 1989 under the guise of LSS, LSS fare and PP services;

7. With regard to the above claim, in the counter affidavi filed by the Assistant Manager (legal), he has stated that th respondents are not collecting any unfair fares not authorised unde the Tamil Nadu Motor Vehicle Rules and the fares collected ar supported by the Government orders. Though those details are no available in the counter affidavit, the learned counsel appearing fo respondents 2 and 3 has placed necessary Government orders ar notifications issued therein. As per G.O.Ms.No.1204 Home (Transpor VII) Department dated 05.12.2001, the Government have incorporated th revised fare structures and published the same in an Extraordinar issue of Tamil Nadu Government Gazette dated 05.12.2001. Before goin into the notifications, it is relevant to note that Section 67(1)(i of the Motor Vehicles Act, 1988 empowers the State Government to fi fares and freights (including the maximum and minimum in respec thereof) to all categories of vehicle viz., Stage carriages, contrac carriages and goods carriages. Though the petitioner has submitte that there is no specific provision, which enables the Government t collect different fares in respect of different type of vehicles, w

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are satisfied that the above referred provisions empowers th Government to classify various type of vehicles and fix differen types of fairs for the same.

8. The first notification issued pursuant to the above mentione Government Order, which is applicable to the Metropolitan Services i Chennai Metropolitan Area makes it clear that different rates hav been fixed for Limited Stop Services, Night Services and Delux Services. In the light of the provisions referred to above and th Government order mentioned, we are unable to accept the apprehensio raised by the petitioner. On the other hand, taking note of th interest of the travelling public, we hold that the Government hav power to classify various type of vehicles and fix different type o fares. Accordingly, we reject the said contention also.

9. Except the above said contentions no other contentions hav been pressed into service. In the light of what is stated above, we c not find any merit in the writ petition and the same is dismissed No costs. Consequently, WPMP No.83 of 1998 is also dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
Pallavan Transport Corporation,
"Pallavan House"
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3.The Managing Director,
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4.The Corporation of Chennai,
Chennai-600 003.

1 CC TO MR.G. MUNIRATNAM [SR 43250]

1 CC TO MR.V. BHARATIDASAN, [SR 43091]

1 CC TO G.P [SR 43175]

1 CC TO MR.S. SATHIA CHANDRAN [SR 43485]

W.P.No.19082 of 1996
WPMP No.83 of `1998

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